No. 80-2139

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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

JOHN R. WISE,

Appellant

v.

GEORGIA STATE BOARD FOR THE EXAMINATION, QUALIFICATION AND REGISTRATION OF ARCHITECTS and NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS, and JAMES E. SKRINE,

Appellees

On Appeal from the Supreme Court of Georgia

JURISDICTIONAL STATEMENT

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QUESTION PRESENTED

Whether the Supreme Court of Georgia erred in holding that Rule 50-7-.01(12) of the Rules of the Georgia State Board for the Examination, Qualification and Registration of Architects (hereinafter the "Georgia State Board") pertaining to the type of work experience required of applicants for registration as architects in the state of Georgia does not violate either the due process or equal protection clauses of the United States Constitution?

PARTIES BELOW

John R. Wise (hereinafter "Wise") was the appellant in the Supreme Court of

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JURISDICTIONAL STATEMENT

State Board was unconstitutional and also sought a writ of mandamus directing the Georgia State Board and James E. Skrine to issue Wise a license to practice architecture in Georgia.

In rendering its decision, the Georgia Supreme Court held that Rule 50-7-.01(12) of the Rules of the Georgia State Board does not violate either the equal protection or due process clauses of the United States Constitution. Appellant seeks a reversal of that holding by this court.

The Georgia Supreme Court's decision was rendered on February 11, 1981. Wise timely filed a motion for rehearing which was denied on March 3, 1981. A notice of appeal was served and filed with the clerk of the Georgia Supreme Court on May 29,1981. The notice appears in Appendix C.

This court has jurisdiction of this matter on appeal pursuant to 28 U.S.C. § 1257(2).

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment XIV, as set forth in Appendix D.

STATUTORY AND REGULATORY PROVISIONS INVOLVED

GEORGIA CODE SECTION 84-303:

Qualifications, age and character of applicant for registration as architect. Examinations by board

Any person being at least 21 years of age, may apply through the Joint-Secretary, State Examining Boards, to the State Board of Examination,

Qualification and Registration of Architects for such examinations as shall be requisite for such certification under this Chapter if qualified as set forth in subsection (a) of this section or any person may apply for a certificate of registration if qualified as set forth in subsection (b) of this section. No person shall be eligible for registration as an architect who has been found guilty by the board of any of the acts set forth herein for which an architect's certificate might be revoked or suspended, unless that individual establishes to the satisfaction of the board that he has fully reformed.

(a) The candidate for examination shall submit to the said board satisfactory evidence of the qualifications set forth under paragraph (1) or (2) of this subdivision. The examinations shall be the written examinations prepared in accordance with the outline prescribed by the National Council of Architectural Registration Boards.

(1) A professional degree in architecture from a school or college approved by the National Architectural Accrediting Boards and at least three years' practical experience as the board, by rules and regulations uniformly applied, shall deem appropriate. An advanced degree in architecture from a school or college approved by the National Architectural Accrediting Board may be accepted

for a maximum of one year of the required practical experience.

(2) A minimum of 10 years' practical experience, including academic training, subsequent to completion of the high school course or the equivalent thereof, as the board, by rules and regulations uniformly applied, shall deem appropriate. Applicants that qualify under this paragraph shall first be admitted to the equivalency examination and, upon satisfactory completion thereof, shall be admitted to the professional examination. Within two years from the date this paragraph becomes law, any applicant who shall attain eight years' practical experience, including academic training, as the board, by rules and regulations uniformly applied shall deem appropriate, shall, if otherwise qualified, be permitted to take the examinations set forth in this paragraph.

(b) The applicant for a certificate of registration shall meet the experience requirements set forth in (a)(1) or (a)(2) above, shall hold a "council certificate" and a certificate of registration in the Country, State or Territory of residency, both of which shall be in good standing. Such application must be accompanied by a "council record" prepared by the National Council of Architectural Registration Boards and such other evidence as the board may require.

The said board may require applicants under subdivision (b) to appear before the board and to furnish satisfactory evidence of knowledge of professional practice.

RULE 50-7-.01(12) OF THE RULES OF GEORGIA STATE BOARD:

(12) Except as modified by specific requirements set forth above, the following Table will be used to evaluate academic training and practical experience. (The Table is reproduced in Appendix E).

STATEMENT OF CASE

Appellant, John R. Wise (hereinafter "Wise") is an architect licensed to practice in the state of Illinois and Tennessee. Since June 1970, Wise has been employed as an architect by Bank Building and Equipment Corporation (hereinafter "Bank Building"), a firm which provides both construction and architectural services (referred to in the trade as a "design/build" firm) to a nationwide clientele consisting primarily of

financial institutions. Wise has been and presently is assigned to Bank Building's Atlanta, Georgia, regional office. Because of this fact, Wise's registration as an architect in the State of Georgia became critical both for his utility to Bank Building and, therefore, for the continued growth of his career with Bank Building. For these reasons, in June 1976, Wise applied to the Appellee, Georgia State Board seeking registration as an architect in Georgia by way of reciprocity based upon his Illinois registration.

The legislative scheme established in Georgia for the registration of architects in the state is set forth in Ga. Code § 84-303. That statutory section provides two avenues by which a person may qualify for registration or licensing as an

architect in Georgia. The primary method for qualifying to become a licensed architect is set forth in subsection (a) of the statutory provision. Under that subsection, a prospective applicant must satisfy certain educational training and practical experience requirements at which time he is then qualified to sit for a written examination administered by the Georgia State Board. If the applicant obtains a passing score on the exam he is then entitled to obtain his license (or registration) to practice.

An alternate avenue for obtaining architectural registration in Georgia is provided by subsection (b) of Ga. Code § 84-303. Under the terms of subsection (b), an architect may become registered in Georgia without sitting for an examination if he satisfies three basic criteria: he must (1) be licensed

to practice architecture in one of the other forty-nine states of the Union; (2) meet the practical experience requirement established by Ga. Code § 84-303(a); and (3) be the holder of a Council Certificate issued by the National Council of Architectural Registration Boards (hereinafter "NCARB"). Wise's application for registration in Georgia was initially based upon the reciprocity procedure set forth in subsection (b).

In 1977, the Georgia State Board denied Wise's application, asserting that he failed to meet the practical experience requirement set forth in Ga. Code § 84-303(a), as interpreted and implemented by the Rules of the Georgia State Board. Additionally, the Georgia State Board held that Wise did not qualify for

registration by reciprocity because he had failed to obtain an NCARB council certificate. [1]

Because of the Georgia State Board's position with respect to the non-acceptability of Wise's practical experience, Wise has been prevented from becoming registered in Georgia by either of the avenues provided by the

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[1] NCARB denied Wise's application for a council certificate on the basis that Wise failed to meet the practical experience requirement for the certificate. This practical experience requirement is exactly the same as imposed by the Georgia State Board, the Georgia State Board having adopted verbatim the NCARB's categorization system (Table of Equivalents) for evaluating architectural experience.

legislature: by way of examination or by way of reciprocity.

On November 1, 1977, Wise filed suit against the Georgia State Board and its executive secretary, James E. Skrine, contesting the Georgia State Board's refusal to permit Wise to become licensed to practice architecture in the State of Georgia. On February 23, 1978, an amended complaint was filed.[2] Wise

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[2] The amended complaint added causes of action against the NCARB based upon its refusal to grant Wise a council certificate. On January 3, 1979, the NCARB was dismissed from the litigation based upon a lack of personal jurisdiction with respect to the constitutional claims against NCARB and for failure to state a claim upon which relief could be granted with respect to a claim of tortious interference. These rulings were affirmed by the Georgia Supreme Court and Wise does not seek review of the portions of the Georgia Supreme Court's decision dealing with the NCARB.

contended in both the original and amended complaints and still contends that the actions of the Georgia State Board, and particularly its application of Rule 50-7-.01(12) of the Georgia State Board's rules, violate both the due process and equal protection clauses of the United States Constitution.

Pursuant to an agreement between Wise and the Georgia State Board, Fulton County Superior Court considered the merits of Wise's claims against the Georgia State Board based solely upon a written record of briefs, pleadings, discovery materials and affidavits presented to the Superior Court. As a result of the Superior Court's review of these materials, on June 17, 1980, it entered judgment dismissing Wise's claims against the Georgia State Board, holding inter alia that Rule 50-7-.01(12) was reasonable

and thus not violative of either the equal protection or due process clauses of the United States Constitution. This holding, among others, was enumerated as error in a notice of appeal and appealed by Wise to the Georgia Supreme Court on July 14, 1980. On February 11, 1981, the Georgia Supreme Court affirmed the decision of the Superior Court in its entirety, again finding that Rule 50-7-.01(12) was reasonable and therefore constitutionally valid. A motion for rehearing, timely filed with the Georgia Supreme Court, was denied without opinion on March 3, 1981.

The Georgia State Board has taken the position that Wise fails to satisfy the practical experience requirement established by Georgia Code § 84-303(a)(1) as a pre-condition to registration by examination or by reciprocity. By the terms of this

statutory provision, an applicant must have obtained at least three years practical experience as the Georgia State Board, "by rules and regulations uniformly applied, shall deem appropriate." Pursuant to this mandate, the Georgia State Board promulgated Chapter 50-7 of its rules setting forth standards for determining whether an applicant had three years of "acceptable practical experience." Rule 50-7-.01(12) establishes a Table of Equivalents which the Georgia State Board uses to evaluate the acceptability of various types of work experience and academic training for the purpose of satisfying the requirements of Georgia Code § 84-303(a)(1).

The Table of Equivalents established by Rule 50-7-.01(12) provides that, for purposes of the three-year practical experience

requirement of § 84-303(a)(1), an applicant will receive credit for no more than two years of architectural work performed while in the employ of an organization classified as a general contractor, regardless of the number of years or quality of architectural experience actually obtained by the applicant while in the employ of such an organization (see Category F-12, Table of Equivalents). In contrast, work experience obtained with a firm classified as the "offices of a registered architect" may be used to satisfy the entirety of the three-year practical experience requirement, again regardless of the quality of that experience. (See Category F-8, Table of Equivalents).

The Georgia State Board has classified Bank Building as a general contractor for purposes of the Table of

Equivalents. Based solely upon this classification of Wise's employer, the Georgia State Board has taken the position that Wise, who has eleven years of architectural experience with Bank Building but no experience with a firm qualifying as the "offices of a registered architect," has only two years of acceptable practical experience for purposes of architectural registration in Georgia. Thus, the Georgia State Board contends that Wise is unqualified to become registered in the State either by examination or by reciprocity.

Uncontested affidavits presented to the Superior Court establish that during the entirety of Mr. Wise's employment with Bank Building, he has performed architectural work at a high professional level in the corporation's independent

architectural-engineering department. At all times, his work has been performed under the direct supervision of an architect registered under the laws of Georgia. Further, the Georgia State Board has never asserted nor offered evidence to establish that Wise fails to possess technical competence as an architect equal to or exceeding that possessed by applicants who are licensed by the Georgia State Board as a matter of course. Nor has there been any assertion by the Georgia State Board that it considers Wise, in any fashion, deficient in any aspect of technical competency which it considers necessary for an architect seeking registration in the state. The Board states simply that its rules permit no more than two years' credit for practical experience gained while in the employ of a general contractor and that because all of

Wise's eleven years of architectural experience has been gained with an organization which falls within the general classification of general contractor, the Board had no choice but to deny Wise's application.

In justification of its rule limiting credit for experience with a general contractor to a maximum of two years, the Georgia State Board contends that the rule better assures that candidates for registration will possess traits described by the Board as "professionalism" and "independent judgment" and exercise those traits when called upon to inspect a contractor's work on a project designed by the architect. The Geogia State Board makes no claim that this requirement in any fashion attempts to assure greater technical competency among the candidates for registration.

The Georgia State Board offered no empirical or other form of objective evidence in support of its conclusion that requiring one year's experience in a traditional architectural practice in any sense enhances the prospect that an architect would have an increased sense of "professionalism" or "independent judgment". In fact, the Georgia State Board offered no particularly clear explanation of what it considers "professionalism" and "independent judgment" to be, its only explanation of these terms being by way of illustration.

The Georgia State Board stated that one of the obligations of an architect is to inspect a construction contractor's work to assure the contractor's compliance with the architect's plans and specifications. The Georgia State Board argues that where the architect is employed by the

contractor, the economic pressure exerted upon the architect as a result of the employee-employer relationship may prevent the architect from adequately requiring the contractor to comply with the requirements of plans and specifications. This, argues the Georgia State Board, creates a "poisoned" atmosphere for the apprentice architect's training while in the employ of contractors.

The Georgia State Board makes no showing, and no logic supports the contention, that the quality of construction projects designed by an independent architectural firm and constructed by a separate general contractor in any way exceeds the quality of those designed and constructed by a design/build firm. Nor has the Georgia State Board offered any evidence to establish that architects

who have gained their experience with design/build firms have any less professional integrity as a class than do those who have trained with traditional architectural firms. Additionally, the Georgia State Board has made no showing that an individual assessment of the personal integrity of each candidate, using letters of recommendation and past personal and work histories, would impose any particular administrative burden on the Board.

THE QUESTIONS PRESENTED ARE SUBSTANTIAL

I.

This case presents the important question of the scope and applicability of the equal protection clause of the fourteenth amendment to the proliferation of "practical experience" requirements which state

legislatures and administrative agencies have imposed as obstacles to those seeking a license to practice the profession of their choosing within a given state. See Wallace, Occupational Licensing and Certificate: Remedies for Denial," 14 WM&M L. REV. 46 (1972). The court has apparently concluded that the right to practice a profession is not a "fundamental" right for purposes of equal protection analysis, cf. Massachusetts Board of Retirement v. Murgia, 427 U.S. 307 (1976), and Wise does not argue that architects practicing with design/build construction firms constitute a "suspect" class. Thus, absent a willingness by the court to abandon its facially strict two-tier approach to the scope of the equal protection review, see Massachusetts Board of Retirement v. Murgia, supra (Marshall, J. dissenting),

the test to be applied under these circumstances is the more liberal rational relationship test. However, this fact alone does not justify a total abdication of this sensitive area to state and local lawmakers and administrators. See Miller v. Carter, 547 F.2d 1314 (7th Cir. 1977), aff'd 434 U.S. 356; Kindem v. City of Alameda, 502 F. Supp. 1108 (N.D. Cal. 1980).

State courts interpreting the limits of equal protection under the Federal constitution or analogous provisions in their own state constitutions have held that unnecessarily narrow limitations on the manner in which one may gain the practical experience required for state licensing failed to meet the minimum rationality tests imposed on such restrictions by equal protection and due process considerations. See City of

Sioux Falls v. Kadinger, 50 N.W.2d 797 (S.D. 1951); People v. Brown, 95 N.E.2d 888 (Ill. 1950); Tesoriero v. Examining Board of Plumbers, 232 N.Y.S.2d 706 (1962); Blumenthal v. Board of Medical Examiners, 18 Cal. Rptr. 501 (1962). Cf. Goodsel v. Department of Business Regulation, 523 P.2d 1230 (Utah 1974) Others, including the decision of the Supreme Court of Georgia in the instant case, have held to the contrary. See Duggins v. North Carolina State Board of Certified Public Accountant Examiners, 240 S.E.2d 406 (N.C. 1978). All have been forced to render their decisions with scant guidance from this court.

While the court's recent decision in Massachusetts Board of Retirement v. Murgia, 427 U.S. 307 (1976) offers some insight as to the limits and applicability of the equal protection doctrine to restrictions on

the right of employment, much is left to conjecture, with resulting unevenness and uncertainty in the application of the doctrine. Compare Miller v. Carter, 547 F.2d 1314 (7th Cir. 1977), and Kindem v. City of Alemeda, 502 F. Supp. 1108 (N.D. Cal.1980), with Malmed v. Thornburgh, 621 F.2d 565 (3d Cir. 1980) and Trafelet v. Thompson, 594 F.2d 623 (7th Cir. 1979) cert. denied, 444 U.S. 906 (1979). The instant dispute offers an excellent vehicle for supplying that guidance.

The Georgia State Board has offered only one justification for its discrimination against those architects who gain their experience in the employment of a general contractor. This justification is that an apprentice architect employed by a general contractor may not adequately "learn" the traits of "professionalism" and

"independent judgment" The Board claims that these traits are necessary to permit an architect to react properly when asked by an owner to determine whether a contractor is adequately complying with the architect's plans in constructing a particular structure. The traits are not adequately "learned" by an apprentice architect who is employed by a general contractor, the Georgia State Board's argument goes, because an apprentice architect who works for a general contractor is exposed to economic pressures from his employer, the contractor, seeking to have the apprentice and his fellow in-house architects ignore inadequate or improper construction procedures or materials used by the contractor.

Thus, the Georgia State Board seeks to predict the future integrity of an applicant based upon the type of work

performed by his employer though the Board has no empirical report, study or logic to support any correlation of the two items. Without empirical or objective support for its position, the Georgia State Board has denied Wise, who concededly has eleven years of practical experience as an architect, under the direct supervision of a registered architect, and is licensed to practice in two states, the right even to take the Georgia licensing examination.

This Court has long recognized the delicacy and prospect for abuse associated with the use of personal as character traits criteria for licensing to practice a profession. See Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232 (1957). Accord, Konigsberg v. State Bar of California, 353 U.S. 252 (1957). Here, the Georgia State Board has used the incredibly nebulous

concepts of "professionalism" and the "ability to exercise independent judgment" to impose an across the board ban against those who have gained their architectural experience while in the employment of a general contractor from even being entitled to sit for an examination to prove his competency as an architect. Not coincidently, the effect of the Board's rule is to discourage young architects from working with design/build firms, the organizations which pose the most serious current threat to the economic position of traditional architects who constitute the membership of the American Institute of Architects, the moving force behind the enactment of the rule. W. GELLHORN, INDIVIDUAL FREEDOM AND GOVERNMENTAL RESTRAINTS 117-18, 125 (1970).

The court, by its evenly divided affirmance without opinion of the Seventh Circuit's decision in Miller v. Carter, 547 F.2d 1314 (7th Cir. 1977), has recently indicated a significant concern about and an internal disagreement regarding the role of the equal protection clause in controlling state and local government attempts to use vague indicia of moral shortcomings as a basis for permanently banning citizens pursuing trades. The absence of an opinion by the court in support of its affirmance, however, left open to surmise the significance of the decision and the role of the judiciary, under the rights created by the equal protection clause, in controlling administrative and legislative attempts to unreasonably limit a person's right to freely pursue any profession for which he is qualified.

Miller v. Carter must and should mean more than only that discrimination against ex-felons is impermissible under the equal protection clause. See Kindem v. City of Alameda, 502 F. Supp. 1108 (N.D.Cal. 1980). Certainly Wise has been no less impermissibly discriminated against in the instant case than were the plaintiffs in Miller and Kindem.

II.

The applicability of the irrebutable presumption doctrine to the facts of this case presents a substantial constitutional question meriting review. Rule 50-7-.01(12) of the rules of the Georgia State Board irrebutably presumes that an architect in the employ of a general contractor does not possess the requisite "professionalism" and "independent

judgment" to adequately perform in the role of registered architect. In much the same way, the Philadelphia school district, as discussed in Gurmankin v. Costanzo, 556 F.2d 184 (3d Cir. 1977), barred all applicants having a "chronic or acute physical defect" from taking a teacher's examination on the assumption that possessing such a trait made them incompetent to teach. And, as discussed in Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974), the Cleveland Board of Education presumed that all teachers who were more than five months pregnant were incapable of continuing to teach. And, the Connecticut legislature presumed that a person could not first become a resident of the state while attending a state university, as discussed in Vlandis v. Kline, 412 U.S. 441 (1973). See also Turner v. Department of Employment

Security, 423 U.S. 44 (1975); Stanley v. Illinois, 405 U.S. 645 (1972); Bell v. Burson, 402 U.S. 535 (1971). The entire issue of the use of irrebutable presumptions in civil matters is ripe for review and clarification by this court. Note, "The Irrebutable Presumption Doctrine in the Supreme Court," 87 HARV.L.REV. 1534 (1974).

Much uncertainty on the matter has been created among the lower federal courts as a result of irrebutable presumption discussions found in the above-cited decisions. See, e.g., Malmed v. Thornburgh, 621 F.2d 565, 573, 576, n.17 (3d Cir. 1980), Kindem v. City of Alameda, 502 F. Supp. 1108, 1114 (N.D. Cal. 1980); Moore v. Supreme Court of South Carolina, 447 F. Supp. 527, 532 (D.S.C. 1977). As a result, the lower courts have been forced to rely upon the negative implications which they feel

can be drawn from this court's silence on the issue in recent decisions such as Massachusetts Board of Retirement v. Murgia, 427 U.S. 307 (1976) and Weinberger v. Salfi, 422 U.S. 749 (1975), in an attempt to formulate their own views as to the current status of the irrebutable presumption doctrine. See, e.g., Trafelet v. Thompson, 594 F.2d 623 (7th Cir. 1979), deLaurier v. San Diego Unified School District, 588 F.2d 674, 683, n.16 (9th Cir. 1978). The results have been inconsistent decisions among the circuits, compare Gurmankin v. Costanzo, 556 F.2d 184 (3d Cir. 1977), and Gault v. Garrison, 569 F.2d 993 (7th Cir. 1977) with deLaurier v. San Diego Unified School District, supra, as well as among panels of the same circuit. Compare Gurmankin v. Costanzo, supra, with Malmed v. Thornburgh, 621 F.2d 565, 573-577 (3d Cir. 1980).

Wise has been denied the right to practice as a registered architect in the state of Georgia because of an irrebutable presumption which is not rationally related to its alleged goal of fostering professionalism and independent judgment among registered architects. The too often ignored abuses by interest group-influenced state agencies under the guise of the states' "police powers", see Wallace, "Occupational Licensing and Certification: Remedies for Denial," supra at 46-51, cry out for the court to consider the plight of those caught in the web of state occupational regulations and to define the reasonable scope of those regulatory restraints on entry into a profession, as the court began to do in Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232 (1957). Only by addressing this issue

direcly can the court confirm the observation and fullfil the promise made by Judge J. Skelly Wright in England v. Louisiana State Board of Medical Examiners, 246 F. Supp. 993 (E.D. La. 1965) aff'd per curiam, 384 U.S. 885 (1966), that "the state in undertaking its obligation to protect the public must adopt those means which trench least on fundamental private rights, including the right to practice one's profession." 246 F. Supp. at 997.

CONCLUSION

The questions presented by this appeal are substantial and require plenary consideration by the court for their resolution.

Respectfully submitted,

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APPENDIX "A"

MARSHALL, Justice.

John R. Wise filed an action for declaratory judgment, mandamus, and injunctive relief, seeking to compel the defendants--the State Board for Examination, Qualification & Registration of Architects ("state board"); the secretary of the board; and the National Council of Architectural Registration Boards ("NCARB")--to accept his past work experience and credentials, which would ultimately enable him to obtain a license to practice as an architect in the State of Georgia.

The plaintiff is an architect

licensed in Illinois and currently working for Bank Building and Equipment Corp. ("Bank Building") in Atlanta, Ga. For purposes of this lawsuit, Bank Building is a general contractor in construction, and known in the trade as a "design/build" firm, which utilizes architects in both phases of designing and building structures.

Defendant NCARB is a non-profit corporation whose membership consists of architectural registration boards of all 50 states, and the defendant state board is one of its members. One of the functions of NCARB is to standardize licensure requirements throughout the United States in an effort to facilitate reciprocity. Council certificates are issued to those individuals who meet the minimal standards established by NCARB, and this certificate would enable the

architect to practice in Georgia without the necessity of taking a licensure examination.

NCARB has for many years required that applicants for council certificates have at least three years of diversified practical experience in the offices of a registered architect, and it has limited the credit given for experience with general contractors. NCARB has prescribed a maximum experience credit of two years for employment by "design/build" firms, and, thus, the plaintiff was not eligible for a council certificate, and was refused a certificate in 1974.

The plaintiff applied for a license by reciprocity in Georgia based upon his Illinois license. However, Georgia law requires an applicant to either submit a council certificate from

NCARB or demonstrate sufficient credentials, i.e., a diploma from an architectural school and at least three years' experience which the state board deems acceptable by rules and regulations. Code Ann. § 84-303(a) (Ga.L.1974, pp. 162, 165). Under the rules of the board, the plaintiff is permitted a maximum experience credit of two years, since the plaintiff has worked exclusively for a general contractor (category F-12 from the Table of Equivalents for Academic Training and Practical Experience). Based upon this shortage of acceptable practical experience and a lack of a council certificate, the plaintiff was denied a license by the state board.

The plaintiff sought to have the court declare the above standard unconstitutional and to compel both

defendants to either issue a council certificate or a license to the plaintiff. Count 2 of the amended complaint sought damages from defendant NCARB for its alleged "arbitrary, unreasonable and tortious interference with plaintiff's employment, career and prospective business advantage."

The trial judge granted defendant NCARB's motion to dismiss as to Counts 1 and 2, and dismised Count 1 as to the state board and its secretary. From these judgments, the plaintiff appeals.[1]

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[1] A previous appeal was dismissed. 244 Ga. 449, 260 S.E.2d 477 (1979).

1. Enumerated error 1 is the dismissal of Count 1 as to the board and its secretary.

[1] "It has often been held that the constitutional restriction on delegation of legislative powers does not prevent the grant of legislative authority to some ministerial officer, board or other tribunal to adopt rules, by-laws, or other ordinances for its government, or to carry out a particular purpose. 'Thus, while it is necessary that a law, when it comes from the lawmaking power shall be complete, still there are many matters as to methods or details which the legislature may refer to some designated ministerial officer or board.' [Cits.]" Scoggins v. Whitfield Finance Co., 242 Ga. 416(1), 249 S.E.2d 222 (1978). Code Ann. § 84-304 is not unconstitutional on the

grounds of its delegation of legislative authority to defendants state board and NCARB.

[2] "The legislature has the right in the exercise of the police power of the State to determine what trades or occupations shall be regulated, and the nature and extent of the regulations to be applied, and if such regulation be reasonable, and the law operates alike on all who come within the scope of its provisions, constitutional uniformity is secured." Lamons v. Yarbrough, 206 Ga. 50(3), 55 S.E.2d 551 (1949). The trial judge was authorized in holding that the requirement, that an architect working for a "design/build" firm must obtain some full-time experience working for an independent architect, can not be said to be unreasonable. The job of an

architect is to ensure that his plans are followed precisely, irrespective of the additional cost to the contractor. In many respects, the architect is seen as an antagonist to the contractor, as the contractor is seeking the maximum profit, while the architect is seeking the best final product possible. Individuals working in the setting of a "design/build" firm, experience a constant conflict of interests not normally present in the setting of ar independent architect. Thus, the experience requirement in question is rationally related to the legitimate state interest of ensuring that all licensed architects are properly qualified and will competently practice in the interest of the public health, safety and welfare.

[3] The appellant argues that the effect of this statute and the regulation promulgated thereunder will be to deprive him of his ability to be licensed in Georgia as long as he is employed by Bank Building. While this may be true, this fact alone does not invalidate either the statute or the regulation. Since there is a reasonable basis for the regulation issued by the board in the exercise of the power conferred upon it by the legislature, we would not be authorized to substitute our judgment for that of the state board and invalidate the regulation on the ground that some other method of earning the required experience for licensure would be equally as satisfactory in result, even if we were of that opinion. See Duggins v. N. C. State Bd. of CPA Examiners, 294 N.C. 120, 240

S.E.2d 406 (1978). The evidence here fails to sustain the contention of the equality of experience in the appellant's present employment with that obtainable in the employ of an independent architect. Code Ann. § 84-303 provides for alternative methods of licensure, and the appellant has been on notice of its requirements and the NCARB rules at least since the enactment of the statute in 1974.

Nor does the evidence sustain the appellant's equal-protection claim based upon the licensure of a Mr. David Whitfield, who allegedly possessed qualifications similar to the appellant's. The record shows that Mr. Whitfield not only had 11 years' experience with Bank Building (as compared with the appellant's eight years), but also had the experience of

16 months' work under an independent architectural firm. Furthermore, the board's rules requiring the outside experience had not been adopted at the time Mr. Whitfield applied for a license. There is no evidence that all applicants for licensure have not been treated identically with respect to the requirement of experience.

The prayer for the writ of mandamus was properly denied, as the board is not authorized by law to grant the appellant a license. See Skrine v. Kim, 242 Ga. 185, 249 S.E.2d 534 (1978). The allegations of Count 1 having failed to state a claim for the relief sought, dismissal of that count as to the board was not error.

2. Enumerated error 2 is the dismissal of Count 1 as to NCARB. The order of dismissal does not specify the

grounds therefor. The motion to dismiss was made upon four grounds, among which was lack of personal jurisdiction. This was the sole ground briefed and argued by the parties.

The contended basis for jurisdiction of NCARB is Code Ann. § 24-113.1 (Ga.L.1966, p. 343; 1970, pp. 443, 444), the "Long Arm" statute. In support of his contention of jurisdiction under this statute, the appellant urges the following transactions of NCARB, which allegedly comprise the "minimum contacts with this state" required by the statute. (See Davis Metals v. Allen, 230 Ga. 623, 198 S.E.2d 285 (1973).) NCARB is a non-profit corporation, incorporated under the laws of Iowa, with its principal place of business in Washington, D. C. The defendant state

board is a member of NCARB. One of the directors of NCARB is a resident of Georgia. NCARB prepares and sells the examinations to be given to applicants for architectural registration in Georgia, and is paid for such activity. NCARB pursues its primary business (the regulation of the practice of architecture through certification of records for registration) within Georgia by the use of national examinations and the evaluation of applicants for council certificates. The appellant's application for a council certificate was considered and evaluated by NCARB, for its services in connection with which it solicited and received compensation. Such business transactions between NCARB and architects residing in Georgia are required by Georgia statutes, and the

fees received by NCARB for this service are solicited from Georgia residents. Since 1969, the State of Georgia, through the defendant state board, has been billed for and has paid to NCARB more than $60,000 in membership dues and fees for NCARB examinations. Representatives and members of NCARB allegedly have lobbied in the Georgia legislature for the passage of the present legislation incorporating NCARB guidelines and standards for the evaluation of applications for reciprocal registration. This alleged lobbying was in furtherance of NCARB's avowed purpose to "foster the enactment of uniform laws pertaining to the practice of architecture," and has allegedly caused NCARB to become "an integral part of the Georgia architectural licensing scheme."

[4,5] We hold that the above alleged contacts are not sufficient to constitute the basis for long-arm jurisdiction of NCARB in this state. The only alleged transaction between the appellant and NCARB--his application for council certification--was initiated by the appellant by mail or telephone, and NCARB's only "purposeful acts" were performed at its Washington, D.C., offices, with the results communicated to the appellant by mail. Mere telephone or mail contact with an out-of-state defendant, or even the defendant's visits to this state, is insufficient to establish the purposeful activity with Georgia required by the "Long Arm" statute. E.g., O. N. Jonas Co. v. B & P Sales Corp., 232 Ga. 256, 206 S.E.2d 437 (1974). NCARB's contacts in this state were only generally

connected with the appellant's claim. Cf., Manton v. California Sports, Inc., 493 F.Supp. 496, 498 (N.D.Ga.1980). "The corporate personality is a legal fiction, and a corporate 'act,' 'contact,' or 'presence' may be consummated only through personnel authorized to act for it . . . '"Presence" in the state in this sense has never been doubted when the activiites of the corporation there have not been continuous and systematic, but also give rise to the liabilities sued on . . . '" Hollingsworth v. Cunard Line, Ltd., 152 Ga. App. 509, 514, 263 S.E.2d 190 (1979) and cit. The residence in this state of a director of NCARB is not alone a basis for jurisdiction. Davis v. Haupt Bros. Gas Co., 131 Ga.App. 628, 206 S.E.2d 598 (1974). The presence in Georgia of the

defendant state board does not confer personal jurisdiction over NCARB. Even if the board were a creature of the NCARB, the mere residence of a subsidiary or affiliate does not, without more, establish the residence of the parent organization. E. g., Cannon Mfg. Co. v. Cudahy Packing Co., 267 U.S. 333, 336-337, 45 S.Ct. 250, 251, 69 L.Ed. 634 (1925). The activities of NCARB in connection with the enactment of the legislation in question were limited to its counsel's (a Massachusetts resident) furnishing by mail requested information and advice pertinent to the proposed legislation (which advice was subsequently rejected by the General Assembly in favor of a more restrictive provision).

Furthermore, under the holding quoted in Hollingsworth, 152 Ga.App.

509, 514, 263 S.E.2d 190, supra, and the language of § 24-113.1, the activities of the corporation must also give rise to the cause of action, or liabilities, sued on. We have held in Division 1, supra, that the regulation in question was reasonable, for a legitimate purpose, and applied without discrimination. The granting of a council certificate by the NCARB is a discretionary act, subject to its reasonable rules. Hence, even if NCARB be considered to be within the jurisdiction of the Georgia court, that defendant's activities were not actionable with reference to the allegations and prayers of Count 1. Dismissal of Count 1 as to NCARB was not error.

3. Enumerated error 3 is the dismissal of Count 2 as to NCARB. This

judgment was proper on the ground of lack of personal jurisdiction of that defendant, as was held in Division 2, supra.

Even if jurisdiction be assumed, moreover, dismissal of this count was correct based upon failure to state a claim. "This state recognizes a cause of action where one maliciously and wrongfully, and with intent to injure, harms the business of another. Dale v. City Plumbing, etc., Co., 112 Ga.App.723(2), 146 S.E.2d 349 (1965). 'The act is malicious when the thing done is with the knowledge of the plaintiff's rights, and with the intent to interfere therewith.' Employing Printers Club v. Doctor Blosser Co., 122 Ga. 509, 519, 50 S.E. 353 (1905). 'The essential thing is the intent to cause the result. If the actor does not have

this intent, his conduct does not subject him to liability under this rule even if it has the unintended effect of deterring the third person from dealing with the other.' Restatement, Second, Torts § 766, p. 11, h." Bodge v. Salesworld, Inc., 154 Ga.App. 65, 66, 267 S.E.2d 505 (1980). The record here shows that the appellant himself initiated the "interference" about which he complains, by requesting NCARB's services (certification). NCARB merely impartially applied pre-existing rules of general application, determined that the appellant was not eligible for certification, and notified him by mail that his request was rejected. There is nothing in the record to indicate that NCARB even knew what effect its rejection would have on the appellant, much less to show the requisite malice

and intent to injure. We have already decided that the regulation is reasonble and serves to implement a legitimate public interest. The very nature of legislative standards governing the practice of trades and professions necessarily involves discrimination and exclusion of those whose qualifications do not meet the criteria.

Dismissal of Count 2 as to NCARB was not error.

Judgment affirmed.

All the Justices concur, except JORDAN, C. J., HILL, P. J., and CLARKE, J., who concur in the judgment only as to Division 2.

SMITH, J., concurs specially.

GREGORY, J., not participating.

SMITH, Justice, concurring specially.

I agree with the judgment of affirmance, but disagree with division two of the majority opinion insofar as it holds that the "alleged contacts are not sufficient to constitute the basis for long-arm jurisdiction of NCARB in this state." In my view, NCARB's contacts with Georgia, as set forth in the majority opinion, amply satisfy both the "transacts any business" requirement of the Long Arm Statute and the "minimum contacts" requirement mandated by the due process clause. See Hanson v. Denckla, 357 U.S. 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958) and McGee v. International Life Ins. Co., 355 U.S. 220, 78 S.Ct. 199, 2 L.Ed.2d 223 (1957).

In support of its conclusion that this state lacks jurisdiction over NCARB, the majority emphasizes that appellant contacted NCARB by mail and telephone, that NCARB's "purposeful acts" were performed at its Washington, D. C. offices, and that NCARB's contacts with Georgia were "only generally connected with the appellant's claim." The majority relies primarily on O. N. Jonas Co. v. B & P Sales Corp., 232 Ga. 256, 206 S.E.2d 437 (1974). Jonas, however, is clearly distinguishable from the instant case. In Jonas, telephone and mail purchase orders originating outside Georgia and the shipping of goods from Georgia to the nonresident purchasers (who had no other contacts with Georgia except some visits to the manufacturing plant) were insufficient to establish this state's long arm

jurisdiction over the non-resident in a suit concerning payment for the goods. The instant case, however, presents the factual converse of Jonas. Here, NCARB purposefully avails itself of the opportunity to issue certificates to Georgia architects and solicits and receives compensation for this service. Appellant's claim arises directly from this certification process. Clearly these contacts with Georgia are sufficient to establish long arm jurisdiction over NCARB. See J. C. Penney Co. v. Malouf Co., 230 Ga. 140, 196 S.E.2d 145 (1973).

I recognize that Malouf is factually distinguishable from the instant case in that it involved the shipment of tangible products "in the stream of commerce" to Georgia. However, I do not believe this factual

dissimilarity leads to a different result. Although NCARB's certification process may be considered "intangible," it is nonetheless purposeful activity within the Georgia forum (Hanson, supra, at 253, 78 S.Ct. at 1239. Cf. Shaffer v. Heitner, 433 U.S. 186, 216, 97 S.Ct. 2569, 2586, 53 L.Ed.2d 683 (1977)), and appellant's cause of action directly arises from that activity. See McGee, supra. Cf. Rush v. Savchuk, 444 U.S. 320, 100 S.Ct. 571, 62 L.Ed.2d 516 (1980) and Shaffer, supra, 433 U.S. at 214, 97 S.Ct. at 2585.

APPENDIX "B"

SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

JOHN R. WISE, Plaintiff	)	
v.	)	CIVIL ACTION NO. C-34628
GEORGIA STATE BOARD OF EXAMINATION, QUALIFICATION AND REGISTRATION OF ARCHITECTS, ET AL.	)	

FINDINGS OF FACT

Plaintiff filed his action for, inter alia, a declaratory judgment, mandamus and injunctive relief seeking to compel the defendants (the Georgia Architectural Board and the NCARB) to accept his past work experience and credentials which would ultimately enable him to obtain a license to practice as an architect in the State of Georgia.

Plaintiff is an architect licensed in Illinois and currently working for Bank Building and Equipment

Corporation in Atlanta, Georgia. For purposes of this lawsuit, Bank Building was and is a general contractor in construction and known in the trade as a "design/build" firm. This type firm utilizes architects in both phases of designing and building of structures.

Defendant NCARB is a non-profit corporation whose membership consist of architectural registration boards of all fifty states, and the defendant, Georgia Architectural Board, is one of its members. One of the functions of NCARB is to standardize licensure requirements throughout the United States in an effort to facilitate reciprocity. Council certificates are issued to those individuals who meet the minimal standards established by NCARB and this certificate would enable the architect to travel and practice in Georgia without the necessity of taking a licensure examination.

NCARB has for many years required that applicants for council certificates have at least three years of diversified practical experience in the offices of a registered architect and it has limited the credit given for experience with general contractors. NCARB has prescribed a maximum experience credit of two years for employment by "design/build" firms, and thus, plaintiff was not eligible for a council certificate and was refused a certificate in 1974.

Plaintiff applied for a license by reciprocity in Georgia based upon his Illinois license. However, Georgia law requires an applicant to either submit a council certificate from NCARB or demonstrate sufficient credentials; i.e, a diploma from an architectural school and at least three years experience which the Board deems acceptible by rules and regulations. Ga. Code §84-303(a). The

rules of the Board permit a maximum experience credit of two years since plaintiff has worked exclusively for a general contractor (category F-12 from the Table of Equivalents for Academic Training and Practical Experience). Based upon this lack of acceptable practical experience and a lack of a council certificate, plaintiff was denied a license by the Georgia Board.

Plaintiff contends that he has attained sufficient diversity in his experience to warrant licensure, but these contentions are not convincing. Working for Bank Building as contrasted with a private architect might expose plaintiff to many of the concepts necessary for licensure, but it can not be said that the exposure is equivalent to working full time under the tutelage of licensed architect. At the very least, plaintiff has not experienced the continued

independence from the building contractor that a regular architect enjoys.

Plaintiff now seeks to have this Court declare this standard unconstitutional and to compel both defendants to either issue a council certificate or a license to the plaintiff. Motions to dismiss were filed by the defendnts and motions for summary judgment were filed by all parties. The summary judgment motions were denied by this Court.

CONCLUSIONS OF LAW

The legislature has the right, in the exercise of the police power of the State, to determine what trades or occupations shall be regulated, and the nature and extent of the regulations to be applied, and if such regulation be reasonable, and the law operates alike on all who come within the scope of its

provisions, constitutional uniformity is secured. Lamons v. Yarbrough, 206 Ga. 50 (1949); see also Holcomb v. Johnston, 213 Ga. 249 (1957) and Hughes v. State Board of Medical Examiners, 162 Ga. 246 (1926). Plaintiff has asserted that he was denied equal protection of the law by attempting to show that Mr. David Whitfield possessed similar qualifications but was granted a license. After reviewing Mr. Whitfield's application, the contrary is true. Not only did Mr. Whitfield possess the necessary experience working under a independent architectural firm (sixteen months), but he also had approximately eleven years experience with Bank Building. Additionally, when Mr. Whitfield applied for a license, the rules of the Board requiring the outside experience had not been adopted. Since there is no evidence that all applicants for licensure have not been treated

identically with respect to experience, an equal protection claim cannot be sustained.

The Georgia Legislature, in the exercise of the police power, has mandated certain requirements for the licensure of an architect by reciprocity or otherwise. To withstand constitutional scrutiny, Ga. Code § 84-303(a) must be reasonable. Lamons, supra. The same test applies to any properly promulgated rule of the Board. Eason v. Morrison 181 Ga. 322 (1935); Baranan v. State Board of Nursing Home Administrators, 143 Ga. App. 605 (1977). Here it can not be said that a requirement that an architect working for a "design/build" firm must obtain some full time experience working for an independent architect is unreasonable. The job of an architect is to insure that his plans are followed precisely, irrespective of the additional cost to the contractor. In many respects, the

architect is seen as an antagonist to the contractor as the contractor is seeking the maximum profit while the architect is seeking the best final product possible. Individuals working in the setting of a "design/build" firm experiene a constant conflict of interests not normally present in the setting of an independent architect.

Plainiff contends that pursuant to Ga. Code §§ 84-303(a)(1) and 84-303(a)(2), he will never be able to be licensed in Georgia as long as he is employed by Bank Building. While this may be true, this fact alone does not invalidate either Code Section. As mentioned earlier in this opinion, Ga. Code § 84-303(a)(1) sets forth reasonable requirements for licensure for those individuals graduating from acceptable schools of architecture and Ga. Code § 84-303(a)(2) specifies reasonable licensure requirements for applicants who

have not attended a school of architecture. Requiring individuals who desire an architect license to obtain a specific type of training and experience is clearly a permissible requirement. An enlightening case on this issue is Duggins v. North Carolina State Board of Certified Public Accountant Examiners, 240 S.E.2d 406 (1978). This experience requirement is also rationally related to the legitimate state interest of insuring that only competent and experienced applicants are licensed in Georgia.

Plaintiff has persuasively argued, inter alia, that Defendants' failure to provide Plaintiff with an alternative method to quality as a Georgia registered architect other than by adhering to the clear statutory requirements makes Defendants' actions and/or Ga. Code Ann. §84-303 either a constitutionally unreasonable restriction

on his livelihood, at least invalid under Georgia law controlling administrative rulemaking (see pages 4-16 of Plantiff's brief in his cross-motion for summary judgment filed on August 9, 1978). In response to Plaintiff's insistence that his experience with Bank Building is as good or superior to that of other registered architects, see the brief of Defendant, NCARB, filed on August 7, 1978, and attached Exhibits A and B, wherein the evidence shows that Plaintiff's employer in 1973 was one of a few select corporations which testified before the NCARB committee concerning the basic issues involved in this lawsuit. The fact that Plaintiff's own employer in the NCARB hearing conceded that Plaintiff builds about 93% of the projects on which they perform architectural services (Exh. A, p. 3, 12, NCARB brief, p. 6) and regularly enters into construction contracts which

guarantee the construction costs (Exh. A, pp. 10-12, 16-17) makes Plaintiff's employer's classification in this case seem eminently reasonable and noncapricious. The court notes that Ga. Code Ann. §84-303 does provide alternaive methods of gaining academic prerequisites which address several of the problems cited in the cases by Plaintiff in his August 9, 1978 brief.

O R D E R

Based upon the foregoing, it is hereby ORDERED AND ADJUDGED that the Plaintiff has faild to meet the requirements for licensure as specified by Ga. Code §84-303 and the rules of the Georgia Architectural Board. Additionally, the specified experience requirement is both reasonable and rationally related to a legitimate state interest. Accordingly, the Georgia

Architectural Board and James E. Skrine's motion to dismiss is hereby granted and plaintiff's request to have this court declare Ga. Code §84-303 unconstitutional is denied. Plaintiff's request for a mandamus is likewise inappropriate since the Georgia Board is not authorized by law to grant the plaintiff a license. Skrine v. Kim, 242 Ga. 185 (1978).

AND IT IS SO ORDERED.

This 17th day of June, 1980.

/s/
Luther Alverson
Judge, Superior Court
Atlanta Judicial Circuit

APPENDIX "C"

IN THE SUPREME COURT
OF THE STATE OF GEORGIA

JOHN R. WISE,	)	
	)	
Appellant	)	
	)	CASE NO.
v.	)	36847
	)	
GEORGIA STATE BOARD FOR THE EXAMINATION, QUALIFICATION AND REGISTRATION OF ARCHITECTS and NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS, and JAMES E. SKRINE,	)	rec. 5/29/81. John B. Williams by D.A.
	)	
Appellees.	)	

NOTICE OF APPEAL

Notice is hereby given that John R. Wise, the appellant above named, hereby appeals to the Supreme Court of the United States from the decision affirming the judgment of dismissal with respect to defendant-appellee Georgia State Board for the Examination, Qualification and Registration of Architects, entered herein on February 11, 1981 (rehearing denied March 3, 1981).

This appeal is taken pursuant to 28 U.S.C. § 1257(2).

This 29th day of May, 1981.

GRIFFIN, COCHRANE & MARSHALL
A Professional Corporation

Luther P. Cochrane

John F. Elger

Attorneys for Appellant

2800 Equitable Building
100 Peachtree St., N.W.
Atlanta, Georgia 30303

(404) 522-3100

CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foreging pleading upon opposing counsel by placing a copy of same in the United States Mail, postage prepaid, addressed to Joseph R. Bankoff, Esquire, King & Spalding, 2500 Trust Company Tower, Atlanta, Georgia, 30303, and John C. Jones, Esquire, Staff Assistant to Attorney General, 132 State Judicial Bldg., Atlanta, Georgia, 30334.

This 29th day of May, 1981.

John F. Elger

APPENDIX "D"

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within this jurisdiction the equal protection of the laws.

APPENDIX "E"

TABLE OF EQUIVALENTS FOR ACADEMIC TRAINING AND PRACTICAL EXPERIENCE

DESCRIPTION	ACADEMIC TRAINING EQUIVALENTS: Maximum Credit Allowed — Without Degree: First 2 Years	Without Degree: Succeeding Years	With Degree	PRACTICAL EXPERIENCE EQUIVALENTS: Credit Allowed	Maximum Credit Allowed
F-1 Bachelor or Master of Architecture Degree, or credits, accredited by NAAB.	75%	100%	5 years		
F-2 Bachelor or Master of Architecture Degree, or credits, not accredited by NAAB.	50%	100%	4 years		
F-3 Bachelor of Architectural-Engineering Degree, or credits, accredited by Engineering Council for Professional Development (ECPD).	50%	100%	4 years		
F-4 Bachelor of Architectural-Engineering Degree, or credits, not accredited by ECPD.	50%	75%	3 - ¼ years		
F-5 Degree, or credits, in Civil, Mechanical or Electrical Engineering accredited by ECPD.	50%	100%	3 years		
F-6 Same as F-5 except not accredited by ECPD.	50%	75%	2 - ½ years		
F-7 Degree, or credits, in courses (University, College, Jr. College, Technical School, etc.) other than Architecture.	50%	50%	2 years		

DESCRIPTION	PRACTICAL EXPERIENCE EQUIVALENTS: Credit Allowed	Maximum Credit Allowed
F-8 Experience as an employee in the office(s) of a Registered Architect(s) practicing as a principal(s).	100%	No Limit
F-9 OMITTED		
F-10 Practical experience of three or more continuous months, prior to acquisition of architectural degree, in offices of Registered Architects who are practicing as principals [subject to limitations of 50-7-.01(5)].	100%	2 years
F-11 (a) Master or PhD. Degree in Architecture, or credits, where under-grad program is accredited by NAAB except where the Master Degree is the first Professional Degree.	100%	1 year
(b) Teaching or research in NAAB accredited architecture curriculum.	100%	1 year
F-12 Employment by government agencies, engineers, general contractors, interior designers, landscape architects, city planners, in areas directly related to construction, and those self-employed in one of the above.	50%	2 years
F-13 (a) Employment by government agencies, including the military, when diversified and such work is directly related to architectural work, in a recognized training program, and under the direct supervision of a Registered Architect employed in the capacity of manager of the agency's architectural activities.	100%	6 - ⅔ years
(b) Same as "a" above except experience is not structured.	50%	2 years
F-14 (a) Employment by organizations that have employees performing architectural services in connection with projects used or owned by that organization, said employment is directly related to architectural work, is diversified and under the direct supervision of a Registered Architect employed in the capacity of manager of the organization's architectural activities.	100%	6 - ⅔ years
(b) Same as "a" above except where services are limited to proto-type projects.	50%	2 years
F-15 Other training, education, teaching or practical experience may be considered by the Board for substitution for the requirements as outlined in the foregoing only insofar as the Board considers them to be equivalent to the required qualifications.		

CERTIFICATE OF SERVICE

This is to certify that I have this day served three copies of the within and foreging pleading upon opposing counsel by placing a copy of same in the United States Mail, postage prepaid, addressed to Joseph R. Bankoff, Esquire, King & Spalding, 2500 Trust Company Tower, Atlanta, Georgia, 30303, and John C. Jones, Esquire, Staff Assistant to Attorney General, 132 State Judicial Bldg., Atlanta, Georgia, 30334.

This 1st day of June, 1981.

John F. Elger